

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

In Re: Columbus Mortgage and Loan	:	
Corporation of Rhode Island, Inc.	:	Bk. No. 1:91-bk-10365
	:	Chapter 11
Debtor	:	
	:	

**MOTION TO REOPEN CASE TO PAY
UNCLAIMED FUNDS INTO REGISTRY OF THE COURT**

Stephen B. Darr, in his capacity as the Trustee of the Creditor's Trust established pursuant to the Debtor's First Amended Joint Liquidating Plan of Reorganization and as the Chapter 11 Trustee of the Debtor (the "Trustee"), and in accordance with Local Rule 3011-1, hereby moves to reopen this case for the purpose of paying unclaimed funds into the Registry of the Court. This motion is supported by the Exhibits attached hereto, including the Declaration of the Trustee (Exhibit A). In support of this motion, the Trustee states the following:

1. On February 15, 1991, the Debtor filed a Voluntary Petition with the Court. On December 12, 1991, the Order granting the Motion to Appoint a Trustee by the Creditors' Committee was entered. Shortly thereafter, on December 23, 1991, the Court entered an Order granting the Application to Employ Stephen Darr as the Chapter 11 Trustee by the U.S. Trustee.
2. On July 19, 1996, an Order confirming the Amended Chapter 11 Plan was entered. Between 1997 and 2000, the Court performed Annual Reviews of the Order Confirming the Amended Chapter 11 Plan.
3. Over the course of this case, the Trustee has recovered substantial money for unsecured creditors. The Trustee has made five separate distributions to the unsecured creditors the

Trustee has been able to locate. However, despite diligent efforts, the Trustee has been unable to locate certain unsecured creditors.

4. As set forth in Exhibit B, as of July 1, 2015, the Trustee is in possession of \$99,891.61 representing unclaimed funds belonging to the unsecured creditors identified in Exhibit C.
5. Attached hereto as Exhibit C is a list of unsecured creditors that either (a) the Trustee has been unable to locate or (b) did not cash the checks the Trustee sent them. With respect to the creditors the Trustee has been unable to locate, the Trustee has received back from the U.S. Post Office mail he had sent to those creditors, which the U.S. Post Office returned as "Undeliverable." The Trustee diligently researched, including on the Internet, each of these unsecured creditors, but has been unable to obtain any of their addresses. As to the creditors that never cashed the checks the Trustee sent them, the Trustee made repeated efforts to effect payment, but without success. As of July 1, 2015, the Trustee is holding a total of \$99,891.61 in unclaimed funds for all of these creditors (*i.e.*, creditors the Trustee has been unable to locate and creditors that did not cash their checks). These creditors are listed in Exhibit C with their corresponding amounts.
6. Counsel for the Trustee has consulted with the Office of the U.S. Trustee and has been advised that the U.S. Trustee has no objection to the relief requested in this Motion.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order that (1) grants this Motion to Reopen the Case to Pay Unclaimed Funds into the Registry of the Court; (2) authorizes the Trustee to immediately deposit into the Registry of the Court the unclaimed funds as to the creditors the Trustee has not been able to locate and/or that did not

cash the checks the Trustee sent them; (3) automatically re-closes this case upon the entry of an Order resolving this Motion.

Dated: July 14, 2015

Stephen B. Darr, in his capacity as Trustee,
By his Attorneys:

/s/ Joseph Avanzato
Joseph Avanzato (#4774)
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NOTICE OF TIME TO RESPOND/OBJECT

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

/s/ Joseph Avanzato

CERTIFICATE OF SERVICE

I hereby certify that on 14th day of July, 2015, a copy of the Motion to Limit Notice of Motion to Reopen Case to Pay Unclaimed Funds into Registry of the Court was served via CM/ECF to the parties that receive notice through the Court's electronic noticing system.

Assistant U.S. Trustee

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I hereby also certify that on 14th day of July, 2015, a copy of the Motion to Limit Notice of Motion to Reopen Case to Pay Unclaimed Funds into Registry of the Court was served via first-class mail to the following parties:

Assistant U.S. Trustee

Gary L. Donahue

U.S. Department of Justice

10 Dorrance Street Room 910

Providence, RI 02903

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/s/ Joseph Avanzato